

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Partial approval of details reserved by condition

Applicant

Mr. Sunny
Land off Brogan Street
Manchester
M18 8UB

Agent (if used)

Mr Muthahar Khan
Studio Tashkeel Architecture
Astor Road
Salford
M50 1BB

Part 1 – Particulars of the application/development

Proposal: Application to discharge conditions 3 (materials), 8 (obscure glazing), 9 (construction management plan), 10 (bin store) and 16 (cycle store) attached to planning permission 136470/FO/2023

Location: Land At Junction Of Brogan Street And Garlick Street, Manchester

Date of application: 18 March 2024

Application number: CDN/24/0197

Part 2 – Particulars of decision (a)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **approved** in accordance with the information set out below.

Materials

The discharge of condition 3 (Materials) is approved on the basis that the development is undertaken in accordance with the following materials, which shall be maintained in situ thereafter:

Sandtoft Wienerberger Calderdale Edge roof tile
Terca Sunset Red multi brick
Dry cast reconstituted stone chamfered window head H010C
Type 14 Stone slip window sill 110-60 mm x 225 mm
Grey upvc top hung windows
Grey upvc French (double doors) with mid rail
Dark grey upvc front door
Hudson fence panel with dark grey fencing slats and timber fencing posts painted black
Alu Swift aluminium down pipe 75mm (black)

C8 Obscured glazing

The discharge of condition 8 (Obscured glazing) is approved on the basis that:

- i. The development is implemented in accordance with the detail of drawings referenced GA Proposed Elevation PL-104
- ii. The installed glazing achieves level 5 on the Pilkington glass scale or equivalent (rather than a similar specification as indicated on the submitted drawing).

C10 Bin storage

The discharge of condition 10 (Bin storage) is approved on the basis that the bin store indicated in drawing referenced GA Proposed bin and cycle plan PL_107 Rev A (with a four bin capacity) is installed before the occupation of the development and maintained in situ thereafter.

Part 2 – Particulars of decision (b)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **refused** in accordance with the information set out below.

C9 CMP

The discharge of condition 9 (Construction Management Plan) is refused as the submitted document referenced: Construction Environmental Management Plan Brogan Street Manchester M18 8UU dated 9 February 2024 has not demonstrated:

- i. The frequency and type of construction vehicles undertaking deliveries to and collections from the application site.
- ii. That identified construction vehicles can satisfactorily access and egress the site, including the supervised manoeuvring of vehicles serving the site with access in reverse gear into Garlick Street via Wellington Road.
- iii. Highways agreements are in place to secure temporary vehicle crossing via Garlick Street facilitating access to the site compound.

C16 Cycle Storage

The discharge of condition 16 (Cycle storage) is refused. Whilst the design and specification of the cycle store have been provided appropriate means of securing the cycle store have not been provided.

Date: 13 May 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.